

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Kevin M Bove
Debtor

Navy Federal Credit Union, or its Successor or Assignee

Movant

VS.

SCOTT F. WATERMAN, Trustee
Kevin M Bove

Respondents

Chapter 13
Bankruptcy No. 20-10799-amc

**MOTION OF NAVY FEDERAL CREDIT UNION, OR ITS SUCCESSOR OR ASSIGNEE FOR
RELIEF FROM AUTOMATIC STAY UNDER §362(a)**

Movant: Navy Federal Credit Union, or its Successor or Assignee

Mortgage dated November 14, 2016 and recorded on November 25, 2016 in the Office of the Recorder of Philadelphia County as Doc Id. 53140581.

1. Navy Federal Credit Union, or its Successor or Assignee (hereinafter "Movant") holds a claim secured by a duly recorded Mortgage on property of Kevin M Bove, or of the bankruptcy estate located at: 3623 Gaul Street, Philadelphia, Pennsylvania 19134.

2. Kevin M Bove (hereinafter "Debtor") filed a Petition under Chapter 13 on February 7, 2020.

3. At the present time, the Mortgage requires payments each month of \$1,523.40.

4. Movant has not received regular mortgage payments and lacks adequate protection of its interests.

5. Debtor is in default of post petition payments to the present date from March 1, 2022.

6. The total amount of the post-petition arrearage as of this date is \$4,482.55. This figure is broken down as follows:

-One (1) delinquent payment in the amount of \$1,435.75 representing March 2022

-Two (2) delinquent payments, each in the amount of \$1,523.40, representing the months of April 2022 through May 2022

7. Since May 2, 2022, Movant has incurred attorneys' fees in connection with this Motion.

8. Movant does not have and has not been offered adequate protection for its interest in said premises and may be required to pay expenses for said premises in order to preserve its lien, which is the obligation of the Debtor under said Mortgage.

9. Movant specifically requests permission from the Honorable Court to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

WHEREFORE, Movant prays for an order modifying the automatic stay of Bankruptcy Code §362(a) to permit Movant to foreclose its Mortgage and to exercise any other rights it has under the Mortgage or with respect to the mortgaged property such actions may include but are not limited to selling the property at Sheriff Sale, entering into a loan modification or signing a deed in lieu of foreclosure; and

Further, granting Movant permission from this Honorable Court to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with the applicable nonbankruptcy law.

/s/ Andrew M. Lubin, Esquire
MARGARET GAIRO, ESQUIRE ID # 34419
MARISA MYERS COHEN, ESQUIRE ID #87830
ANDREW M. LUBIN, ESQUIRE ID # 54297
Attorney for Navy Federal Credit Union
123 South Broad Street, Suite 1400
Philadelphia, PA 19109
Telephone: (215) 790-1010
Facsimile: (215) 790-1274
Email: ecfmail@mwc-law.com